

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. Moreover, the Applicant has reviewed the First (Non-Final) Office Action of May 5, 2004, and submits that this paper is responsive to all points raised therein.

Status of the Claims

Claims 1-4, 6, 7, 9-17, 19-27 and 29-34 are presently pending. Claims 35-48 have been withdrawn in view of a Restriction Requirement and have been cancelled without prejudice, as a result of an Election made herein. Claims 1, 6-8, 12, 16, 17, 22, 26, 27 and 31-33 have been amended. Claims 5, 8, 18 and 28 have been cancelled.

Response To Restriction Requirement and Election

In response to the restriction requirement detailed in the First Office Action, the applicant elects to prosecute the claims of Group I, claims 1-34. This election is made without traverse.

The applicant cancels the claims of Group II, claims 35-48. This cancellation is made without prejudice. In making this cancellation, the applicant reserves all rights in these claims to file divisional and/or continuation patent applications.

Rejections Under 35 USC 102(b)

Claims 1-5, 9, 12-15, 19, 20, 22-25, 29 and 31-34 were rejected under 35 USC 102(b) as anticipated by Chandler, et al. (U.S. Patent No. 3,910,738) (Chandler).

Initially, claim 5 has been cancelled, whereby the rejection of this claim is now moot.

Independent claims 1, 12 and 22 have been amended to include the receiver portion having ends, each of the ends for accommodating weights for weighting the roller. For example, this structure allows the roller to be adjustably weighted, to accommodate for the various tightnesses encountered when working wet concrete.

Chandler is directed a device having a roller for finishing concrete. The roller 14 attaches to a U-shaped member 18 that is attached to a handle member 20. A weight retaining rod 24, for accommodating weights, is positioned central to the roller 14. This central weighting is in contrast to the claimed invention that accommodates weights on the ends of the receiver portion, to weight the roller, such that the apparatus creates uniform imprints when working wet concrete that may be in various degrees of tightening.

Based on the above, it is respectfully asserted that Chandler fails to show the structure of the claimed invention. Accordingly, it is respectfully asserted that claims 1, 12 and 22 are not anticipated under 35 USC 102(b) by Chandler.

Since claims 1, 12 and 22 are not anticipated by Chandler under 35 USC 102(b), claims 2-4 and 9, 13-15, 19 and 20, and 23-25 and 29, respectively dependent thereon, are also not anticipated under 35 USC 102(b) by Chandler for the same reasons. These claims further distinguish the invention over the cited art and are therefore, allowable over this cited art.

Claim 31 is a method claim, that is directed to providing an apparatus with a roller received in a receiver portion in a rotatable engagement, the receiver portion including oppositely disposed ends configured for receiving weight for weighting the roller, weighting the roller by placing weight at at least one of the ends of the receiver portion, in accordance with the tightness of the concrete being worked, and moving the apparatus to transfer the stamp on the roller into the concrete.

Chandler has been discussed above. That discussion is applicable here. Chandler weights their apparatus at a location central to the roller. This is in contrast to the claimed invention, that weights the roller at its ends by weighting the receiver portion at its ends.

Since the claimed method is not shown by Chandler, it is respectfully asserted that claim 31 is not anticipated by Chandler under 35 USC 102(b). Accordingly, it is respectfully asserted that claim 31 is allowable over Chandler.

Since claim 31 is not anticipated by Chandler under 35 USC 102(b), claims 32-34, dependent thereon, are also not anticipated under 35 USC 102(b) by Chandler for the same reasons. These claims further distinguish the invention over the cited art, and are therefore, also allowable over this cited art.

Rejections Under 35 USC 103(a)

Claims 6, 7, 16, 17, 26 and 27 were rejected under 35 USC 103(a) as obvious over Chandler in view of Zieger, et al. (U.S. Patent No. 5,846,176) (Zieger).

Claims 1, 12, and 22 are the independent claims, on which claims 6 and 7, 16 and 17, and 26 and 27, respectively depend. Claims 1, 12 and 22 have been discussed above. Those discussions are applicable here.

Chandler has been discussed above. That discussion is applicable here.

Zieger is directed to a concrete finishing roller tool with a roller 12 that seats in a U-shaped frame 16. The roller body 12 is weighted by being filled with concrete or sand, evenly distributed along the length of the roller body 12.

It is respectfully asserted that the U-shaped frame of Zieger, even if employed with the Chandler apparatus, would still fall short of the claimed invention, as the resultant device would remain weighted centrally, and not at the ends, as with the apparatus of the claimed invention.

Based on these reasons, it is respectfully asserted that the Zieger disclosure does not provide any teachings or suggestions, that if combined with Chandler, would arrive at the claimed invention. Accordingly, it is respectfully asserted that claims 1, 12 and 22 are non-obvious under 35 USC 103(a) in view of the art of record.

Since claims 1, 12 and 22 are non-obvious under 35 USC 103(a) in view of the art of record, claims 6 and 7, 16 and 17, and 26 and 27, dependent on claims 1, 12 and 22, respectively, are also non-obvious under 35 USC 103(a) in view of the art of record for the same reasons. These claims further distinguish the invention over the art of record.

Claims 8, 18 and 28 were rejected under 35 USC 103(a) as being unpatentable over Chandler in view of Zieger in further view of Wynnings (U.S. Patent No. 6,585,451).

Claims 8, 18 and 28 have been cancelled. Accordingly, the rejection of these claims under 35 USC 103(a) is now moot.

Claims 11, 21 and 30 were rejected under 35 USC 103(a) as obvious over Chandler in view of Zieger, in further view of Brimo (U.S. Patent No. 4,776,723).

Claims 1, 12, and 22 are the independent claims, on which claims 11, 21 and 30 respectively depend. Claims 1, 12 and 22 have been discussed above. Those discussions are applicable here.

Chandler has been discussed above. That discussion is applicable here.

Zieger has been discussed above. That discussion is applicable here.

The Examiner's proposed combination of Chandler and Zieger has also been discussed above. That discussion is applicable here.

Brimo, cited to teach a stamp of urethane rubber, fails to cure the deficiencies associated with Chandler and Zieger, as it fails to show, teach or suggest a device for weighting at its ends, as with the claimed invention.

Based on these reasons, it is respectfully asserted that the Brimo does not provide any teachings or suggestions, that if combined with Chandler and Zieger, would arrive at the claimed invention. Accordingly, it is respectfully asserted that claims 1, 12 and 22 are non-obvious under 35 USC 103(a) in view of the art of record.

Since claims 1, 12 and 22 are non-obvious under 35 USC 103(a) in view of the art of record, claims 11, 21 and 30, dependent on claims 1, 12 and 22, respectively, are also non-obvious under 35 USC 103(a) in view of the art of record, for the same reasons. These claims further distinguish the invention over the art of record.

Additional Remarks and Conclusion

The applicant notes the Examiner's citations of Dunham (U.S. Patent No. 1,038,732), Gunderson (U.S. Patent No. 4,036,126) and Loveland (U.S. Patent No. 1,099,185), to complete the record.

The applicant additionally request that the Examiner consider the items of information cited in the Information Disclosure Statement of November 14, 2003, with the two pages of the Form PTO/SB/08a returned as initialed, indicating consideration of all items of information cited therein.

The applicant submits an Information Disclosure Statement with Form PTO/SB/08a, with this paper, to complete the record.

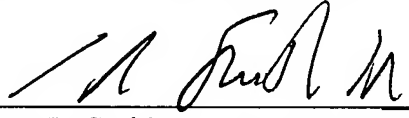
Should the Examiner have any questions or comments as to the form, content, or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Allowance of all pending claims, claims 1-4, 6, 7, 9-17, 19-27 and 29-34, is respectfully requested.

Respectfully submitted,

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